



CITY OF MEDINA

SHORELINE MANAGEMENT MASTER PROGRAM

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I. MEDINA SHORELINE MASTER PROGRAM

INTRODUCTION

This Master Program has been prepared pursuant to the Shoreline Management Act of 1971, the Department of Ecology Guidelines and the Lake Washington Regional Goals and Policies, and it reflects the City's uniqueness and the desires of its citizenry. It is intended to serve as a guideline for the City to follow in administering its responsibilities under the Shoreline Management Act. It is further intended to inform the Washington State Department of Ecology of Medina's local policy so the Department can properly carry out the supportive and review functions defined for it by the Act.

A. Adoption Authority

This Title, Chapter 18 of the Medina Municipal Code, is hereby adopted as the Shoreline Master Program for the City of Medina. It is adopted under the authority of Chapter 90.58 RCW and Chapter 173-16 WAC.

B. Applicability

The regulations of this Master Program apply to all shorelines and the 200' of adjacent land within the City, and to the waters and underlying land of Lake Washington within the City.

C. Medina History

Medina's residents have always been concerned about the planning and zoning of their community and have actively sought to control its development through rational planning. Restrictions have been placed on residential density, and for more than twenty years there has been a continuing concern for the proper control of shoreline development and use.

When the major improvements were completed in the local water system in the early 1950's, the owners fronting Meydenbauer Bay joined in forming a L.I.D. for the installation of the first waterfront interceptor sewer on Lake Washington. This pioneering effort improved Lake Washington's water quality and lead others in the region to promote similar projects. Ultimately, the region formed Metro to provide this type of improvement for the entire lake.

When the toll was removed from the Mercer Island Floating Bridge, it appeared certain that a second floating bridge would be constructed and that the local population would increase dramatically. Citizens were convinced that the quality of life could not be protected adequately under

existing zoning. Study groups were formed and as an indication of the citizen's desire to control their destiny, 88-percent of the property owners signed the original articles of incorporation. On August 19, 1955, Medina was incorporated a third class city.

D. Description of Medina

The City of Medina is a low-density residential community with a population of approximately 3,500. The City encompasses 1.6 square miles of land, and has 4.5 miles of waterfront (23,760 feet). Except for 500 feet of publicly owned property, all the City's shoreline is privately owned and zoned for single-family residential development.

City Hall Park and Beach, which has approximately 220 feet of shoreline, is one of the publicly owned portions of Medina's shoreline. It includes the ferry landing and historic ticket office, which is now City Hall, a public beach with a small dock, and a park with picnic tables. The other publicly owned shorelines are two public docks; one located at the south end of 84th Northeast; and the other on Fairweather Bay off 78th Place Northeast on Lake Lane. In addition, the right-of-way under the east approach of the Evergreen Point Bridge is owned by the State of Washington.

E. Relationship to the Land Use Regulations

1. General – Most of the uses, developments, and activities regulated in this Master Program are also covered by the Medina Comprehensive Plan and Zoning and Subdivision Codes. An applicant must comply with all applicable laws.
2. Medina Comprehensive Plan – Medina's Comprehensive Plan was under study prior to the City's formal incorporation. Since its enactment, the Comprehensive Plan has been reviewed and revised on a continuing basis by Medina's Planning Commission. The latest revision occurred in 1986. The citizens of Medina have anticipated the philosophy of the Shoreline Management Act by nearly 20 years, and they have been administering their shoreline in conformity with the intent of the Act since the City was incorporated.

The Comprehensive Plan is an integrated set of maps and text which shows public and private land use, streets, parks, schools, sidewalks, pedestrian walkways, bicycle routes, and other physical features of the land. It also establishes criteria for the location, type, and construction of buildings. The Comprehensive Plan is consistent with the State of Washington Shoreline Management Act

and the Department of Ecology Guidelines and will control the development of Medina's shoreline. This Shoreline Master Program is intended to clarify and supplement these acts and guidelines as they apply specifically to Medina.

3. Medina Zoning Code – The Medina Zoning Code, Title 17, as amended, establishes specific and detailed regulations for most of the uses, development, and activities regulated in this Shoreline Management Master Program. The Zoning Code and this Shoreline Program are intended to operate together to produce a coherent and complete set of shoreline regulations. All uses, developments, and activities must comply with both the Zoning Code and Shoreline Management Master Program. If there is a conflict between the two, the more restrictive applies.
4. Medina Subdivision Code – The Medina Subdivision Code, Title 16 as amended, establishes specific standards for the division of land in the City of Medina. All uses, developments and activities must comply with both the subdivision Code and Shoreline Management Master Program. If there is a conflict between the two, the more restrictive applies.

F. Administration

The City Manager shall designate a responsible official to administer the Shoreline Program who shall perform all the duties ascribed to the responsible official in this regulation. The responsible official shall administer the shoreline permit and notification systems, and shall be responsible for coordinating the administration of shoreline regulations with zoning enforcement, building permits, and all other regulation governing land use and development in the City.

The responsible official shall be familiar with regulatory procedures pertaining to shorelines and their use, and, within the limits of his/her authority, shall cooperate with other jurisdictions and agencies in the administration of these procedures. Permits issued under the provisions of this Shoreline Program shall be coordinated with other land use and development regulatory procedures of the City. The responsible official shall establish means to advise all persons applying for any development authorization of the need to consider possible impacts to the shoreline. It is the intent of the City, consistent with its regulatory obligations, to simplify and facilitate the processing of shoreline permits and exemptions.

II. GOALS AND POLICIES

A. Residential

The Shoreline Management Act specifically excludes the construction of individual homes for personal use from the permit process; however, the Act does not exclude residential construction, which is not for personal use.

Medina's shoreline is presently planned and zoned exclusively for single-family dwellings. This was reconfirmed by the 1986 Comprehensive Plan Update, as well as, recent zoning ordinance amendments increasing the setback from the shoreline in R-20 and R-30 zones.

The exclusively residential nature of Medina's shoreline makes the Residential Goal the Primary Goal of this Master Program.

Primary Goal – To preserve Medina's shoreline for single family residential use, in a manner that also protects and preserves the natural features along the shoreline and the quality of Lake Washington.

B. Shoreline Conservation

Goal – To preserve and protect the resources and amenities of Lake Washington for use and enjoyment by present and future Medina citizens consistent with property rights.

Policies

1. Water quality along the shoreline should be maintained at a level to permit swimming and to provide a suitable habitat for desirable forms of aquatic life.
2. Future substantial development of the shoreline shall be designed and constructed to minimize adverse effects on the natural systems, including aquatic habitants.
3. The control of uses and activities in upland areas, which may have a detrimental impact on the shoreline or the water quality of Lake Washington, should be viewed as an integral part of shoreline planning.

C. Circulation

Goal – The present transportation system within Medina’s shoreline shall be maintained, but any expansion shall be minimized.

Policies

1. Additional transportation systems must be designed to minimize any increases in noise, air, and water pollution above existing levels. In addition, the expansion of existing facilities (i.e. Evergreen Point Bridge) must reduce to the maximum extent, and mitigate any possible associated impacts from upgrading or improvements.
2. No additional cross-lake bridges shall be built on Medina’s shoreline.
3. Provisions for METRO Public Transit or other mass transit should be implemented in all transportation facilities crossing Lake Washington.
4. Pedestrian and bicycle pathways should be included in any expansion of the Evergreen Point Bridge.
5. Pedestrian and bicycle pathways should connect city owned shoreline facilities, city parks, and public schools.

D. Public Access

Goal – Assure access to Medina’s public shoreline.

Policies

1. Views of the shoreline and water from public parks should be preserved and enhanced. Enhancement of views shall not be construed to mean excessive removal of vegetation. View preservation may include acquiring air rights over properties between parks and the shoreline.
2. The City should develop a policy of shoreline acquisition.
3. When appropriate, Medina should consider joining with other governmental bodies in a cooperative effort to expand public access to the shoreline through programs of acquisition and development.

E. Recreation

Goal – Recreation activities that are dependent on access to the water should be available to citizens of Medina.

Policies

1. Water-dependent recreational activities shall have priority over other types of recreation on Medina's public shoreline.
2. Open space and the opportunity for passive forms of recreation should be encouraged on public shoreline.
3. Medina should consider acquiring private shoreline that has been extensively developed for waterfront recreational use if that shoreline is likely to be further developed in a manner, which would destroy its recreational use.
4. The City should encourage retention and development of the shoreline for joint use private recreational activities, such as moorage, decks, beach clubs, etc.
5. City Hall Park and Beach should be expanded to provide greater public access and improved facilities to the shoreline.

F. Historical/Cultural

Goal – Historically or culturally significant areas or architecturally significant facilities should be maintained in the public interest.

Policy – Medina should preserve or allow preservation of shoreline buildings and sites with historic or architectural value, such as the old ferry ticket office (City Hall), and certain boathouses.

III. DESIGNATION OF ENVIRONMENTS

Medina's shoreline is zoned for residential development primarily in 20,000 and 30,000 square foot lots with a limited amount at 16,000 square feet. The natural features of Medina's shoreline are compatible with low-density residential uses and will be preserved if Medina's shoreline is developed consistent with the policies of this Shoreline Management Master Program, Medina's Comprehensive Plan and related regulations.

Medina's shoreline is classified into two categories, Urban and Recreation Conservancy, to reflect the fact that residential development is dominant along the shoreline.

- A. Urban – The intent of this classification is to indicate that Medina's shoreline, except public areas and private recreation areas, has been designated in its entirety for low-density single-family urban residential development.
- B. Recreational Conservancy – This classification designates a recreation conservancy environment to protect, conserve, and manage existing recreation resources, and to ensure recreational benefits to the public. This classification applies to:
 - 1. Three public locations on Medina's shoreline:
 - a. City Hall Park and Beach
 - b. Public dock at the foot of 84th
 - c. Public dock on Fairweather Bay
 - 2. Privately owned, joint use recreation shoreline lots.

IV. USE REGULATIONS

A. User Guide

This part of the Master Program contains regulations that apply to all uses, developments, and activities on Medina's shorelines. This part also establishes those uses, developments, and activities, which are permitted in the shoreline environment.

B. General Regulations

1. Shoreline structures in or near the water shall not be constructed from materials, which have adverse physical or chemical effects on water quality, vegetation, fish and/or wildlife.
2. Development shall be discouraged in environmentally sensitive areas, unless it can be shown that measures can be taken to mitigate all related adverse impacts.
3. Shoreline structures shall be designed to permit circulation of water, sediments, and aquatic life.
4. Shoreline structures shall be designed to minimize the transmission of wave energy.
5. Enclosed over-water structures shall not be allowed except where overriding considerations of the public interest are served. This would not preclude the use of covered, unenclosed moorages.
6. Normal maintenance or repair of existing shoreline components (including damage by accident, fire, or elements) shall be permitted.
7. The right of owners to make substantial repairs or alterations to non-conforming structures and the abatement of such structures shall be controlled by Medina's Zoning and Building Codes.
8. During the construction of new developments, the developer shall be required to control the entry of contaminants into the lake within acceptable water quality standards.
9. Whenever possible, contaminants shall be removed from surface runoff at the source of contamination. Methods of removing contaminants include oil skimmers, sediment traps and street sweeping.
10. Landscaping shall be encouraged as a method of retaining a sense of nature in developed shoreline areas.

C. Environmentally Sensitive Areas: Steep Slopes

King County has identified several types of soils that are susceptible to erosion hazard potential. Two of these: Alderwood – Kitsap and Kitsap Silt Loam, occur along much of Medina's shoreline and are associated with moderately steep slopes. (See Appendix C)

1. Removal or disruption of vegetation and ground cover on steep slopes shall be discouraged, unless such removal or disruption is part of normal maintenance, repair, or development allowed under this Shoreline Program, the Medina Comprehensive Plan and related regulations.
2. All surfaces exposed during normal maintenance, repair, or development must be revegetated as quickly as possible to minimize erosion hazards.

D. Land Surface Modifications

Land surface modification is only permitted if it is necessary for an approved development or use of the subject property, or if it is incidental to landscaping for any use on the subject property.

1. Land surface modification must be the minimum necessary to accomplish the underlying reason for the land surface modification.
2. Measures must be taken to ensure no direct or indirect adverse impacts occur to adjoining property or Lake Washington.
3. All surfaces exposed during land modification must be revegetated or otherwise covered to minimize erosion.
4. Dirt, rocks, and similar materials necessary for construction must be stockpiled on the subject property as far as possible from the lake and strictly contained to prevent erosion and runoff.
5. Materials deposited on the subject property must be clean and not contain substances that could pollute the lake or cause harm to aquatic or shoreline habitants.

E. Use Regulations

1. Residential

Residential development shall be permitted subject to zoning and subdivision code regulations and the following restrictions:

- a. New residences shall not be permitted over Lake Washington.
- b. The water's edge shall be kept free of buildings other than structures required for boat storage.
- c. Shoreline zoning shall not be changed to increase materially the density or intensity of shoreline use.
- d. High-rise structures on the shoreline shall be prohibited.
- e. Building setbacks applicable to the underlying zoning shall be maintained.

2. Accessory Structures

Where allowed by the Zoning Code, accessory structures incidental to single family use must meet the following requirements:

- a. Accessory structures must meet all required setbacks in the zoning district.
- b. Small garden structures may be located on the shoreline side of the property, and must meet applicable setback standards.
- c. Accessory structures should be located, and be of a size, that would not contribute to excessive runoff or erosion and would not intrude significantly on the landscape.

3. Moorage, Piers and Shoreline Structures

Piers and other forms of moorage are permitted within the shoreline area with the following conditions.

- a. General
 - i. Temporary moorages may be permitted for vessels used in the construction of shoreline facilities.

- ii. Exterior lighting in conjunction with piers and waterfront uses should be at ground or dock level, and be directed away from adjacent properties and the water.
- iii. Moorage, dock space or buoys, for floatplanes and helicopters are prohibited both over the water and in the shoreline area.
- iv. Buoys for the purpose of boat moorage shall be prohibited.
- v. No part of a moorage structure that comes in contact with the lake may be treated with or consist of substances which would be harmful to aquatic environment (See Appendix D).
- vi. The discharge of sewage, waste, rubbish and litter from boats is strictly prohibited.
- vii. Boats used for a permanent residence are prohibited.
- viii. Long-term dead storage (over 12 months) of unused vessels and equipment on the shoreline is prohibited.
- ix. Boats may not be moored within the 12-foot setback stipulated in the Medina Zoning Code, Ref 17.88.060.

b. Shoreline Structures

- i. Over water structures related to recreational boating, such as docks, piers, and covered, unenclosed boathouses shall be permitted on the shoreline.
- ii. Over water structures that are not related to recreational boating, such as houses, decks, and enclosed boathouses, are prohibited.
- iii. Where an enclosed boathouse was in use before incorporation, such structures may remain under special permit from the City. The right of the owners to make substantial repairs or alterations to such non-conforming boathouses shall be controlled by Medina's Land Use and Building Codes.

c. Piers

- i. Piers shall be allowed only for moorage of pleasure craft, for water dependent recreation, or for required emergency vessels.
- ii. Individual shoreline property owners shall be allowed only one pier.
- iii. Adjoining waterfront property owners shall be advised of the advantages of sharing a common pier.
- iv. Where the shoreline forms a concave contour and lot configuration results in minimum shoreline frontage, joint use piers may be required and individual piers may be denied.
- v. Piers should be the minimum length and width necessary for reasonable use and enjoyment, but in no case shall exceed 100 feet from the normal high water line.
- vi. Piers should be of a length and overall square footage that is compatible with adequate depth of water and length of piers on similar adjacent properties.
- vii. Piers should be of a length and configuration that take into consideration shoreline contours and do not create obstacles to access and navigation by neighboring property owners.
- viii. Navigation lights or other devices may be required if necessary for safety.

d. Covered Moorage Structures

- i. Covered unenclosed structures designed for private boat moorage may be constructed.
- ii. Covered moorage structures shall be constructed of non-reflective materials that are compatible in color and texture with the related structures.
- iii. Covered, unenclosed moorage structures shall be constructed within the covered moorage building zone triangle (See Appendix B).

- iv. The boat moorage structure shall not cover more than 25% of the allowed space for construction (See Appendix B).
- v. Where a joint use pier is proposed for two properties the two slip boat moorage structure(s) may cover up to 25% of the allowed space for construction (See Appendix B).
- vi. Each residential lot may have only one covered boat moorage.
- vii. Common piers shared by more than two property owners are not permitted to have covered boat moorage, nor will there be any guarantee that each homeowner will be allowed a finger pier.

4. Trams

Installation of trams is permitted in high bank areas under the following conditions:

- a. Tram landings must meet required shoreline building setbacks.
- b. Joint use trams are encouraged where they can be placed on the property line.
- c. Installation of trams and all associated equipment must minimize disruption or removal of vegetation and natural drainage on steep banks.

5. Bulkheads/Shoreline Protective Structures

a. Bulkheads

- i. The construction of bulkheads shall be permitted at the water's edge for the control of erosion from wave action, but not for the indirect purpose of creating land by filling behind the bulkhead.
- ii. Materials used for bulkheads shall be restricted to large rock, poured concrete, logs or pressure treated wood (meeting State and Federal standards).
- iii. Construction, reconstruction, or repair of bulkheads shall not extend into the lake beyond the normal high water mark.

- iv. Bulkheads must be designed to minimize the transmittal of wave action to other properties.
- v. The extent and nature of any backfill landward of a bulkhead must be approved by the City.

b. Breakwaters, Groins

- i. Breakwaters, groins and jetties are discouraged and are allowed only where there are no other alternatives related to the protection of the shoreline.
- ii. They must be the minimum distance necessary for the shoreline.
- iii. Criteria for approval to include:
 - Minimum impact on aquatic habitants
 - Minimum distance from shoreline
 - Must not create a navigational hazard or restrict water access to adjacent properties
 - Allow adequate flushing
 - Must be the minimum size necessary to control wave actions, and
 - Must be compatible with adjacent piers, bulkheads and other wave control structures.

6. Landfill and Dredging

Landfill and dredging may be permitted within the shoreline area under the following conditions:

- a. Except as otherwise provided in this section, landfill and/or dredging will be permitted only:
 - i. Where necessary for the development and maintenance of public shoreline.
 - ii. To create or maintain desirable contours along the water's edge or to improve public recreational facilities; provided there is no substantial net reduction in the surface waters of the lake.
- b. Dredging may be allowed to maintain water flow and navigability and to maintain moorage to the minimum required.

- c. The waterside perimeter of landfill should be stabilized with vegetation and/or materials that would promote fish and wildlife.
- d. Dredged spoils shall be deposited on approved dumping sites.
- e. Dredging for the primary purpose of obtaining fill or construction material shall be prohibited.

7. Signs

Signs may be permitted within the shoreline area under the following conditions:

- a. Permanent signs shall not exceed a maximum size of two square feet in area for each residential dwelling unit.
- b. The address of the property may be placed in 6" letters on the end of the pier.
- c. All signs must comply with Medina's Municipal Code Ref. 17.80.

8. Utilities and Government Facilities

The installation of utilities within the shoreline area maybe permitted under the following conditions:

- a. Whenever possible, utilities should be placed underground and consolidated within existing easements and rights of way.
- b. After completion of installation or maintenance of facilities for utilities, the shoreline area should be restored and upgraded to City standards.
- c. The City Hall building and grounds shall be maintained in a manner consistent with the protection and enhancement of a shoreline environment.

V. SHORELINE PERMIT AND VARIANCE PROCEDURES

A. Shoreline Permits:

Medina has established a permit system in compliance with the Act, which provides that a permit must be obtained from the City for any proposed substantial development within 200 feet of Lake Washington within the city limits of Medina. "Substantial Development" shall mean any development of which the total cost or fair market value exceeds two thousand five hundred dollars, or any development, which materially interferes with the normal public use of the water or shorelines. The following shall not be considered substantial developments for the purposes of this program:

1. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction except where repair involves total replacement, which is not common practice or causes substantial adverse effects to the shoreline resource or environment.
2. Construction of the normal protective bulkhead common to single family residences. A "normal protective" bulkhead is constructed at or near, but not beyond the ordinary high water mark to protect a single-family residence and is for protecting land from erosion, not for the purpose of creating land. Where an existing bulkhead is being replaced, it shall be constructed no further waterward of the existing bulkhead.
3. Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment, which requires immediate action within a time too short to allow full compliance with the act or this Master Program.
4. Construction by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and meets all requirements of the state agency or local government having jurisdiction thereof.

5. Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of a single-family residence, the cost of which does not exceed two thousand five hundred dollars.

However, any development which occurs within Medina's shoreline area, as defined by the Act, whether it requires a permit or not, must be consistent with the intent of the Act.

An application for a substantial development permit may be obtained from the City Clerk. Following appropriate advertisement of the application in a local newspaper, there is a thirty (30) day waiting period until the application is submitted to the Planning Commission at a public hearing. The Planning Commission shall determine the applications compliance with the Medina Comprehensive Plan and Master Program. The Planning Commission's instructions will then be forwarded by the City Clerk to the Washington State Department of Ecology and Attorney General's Office, as well as to the applicant himself. Any aggrieved person may file an appeal pursuant to procedures specified in RCW 90.58.180 of the Shoreline Management Act of 1971. If no appeals are filed, construction may begin thirty (30) days after the date that the Department of Ecology and the Attorney General received the final order from Medina.

B. Variance and Conditional Uses:

Variance and conditional use procedures shall be administered in a manner which, while carrying out intent of the Act and this Master Program, will assure that property owners will be able to utilize their property and enjoy the rights of property ownership in a fair and equitable way.

1. Variances

The purpose of variance is to provide a means to grant relief from the specific bulk, dimensional or performance standards when strict compliance with this Master Program creates unnecessary hardship or practical difficulties. It is not a means to vary a use of a shoreline. In any such case the Medina Board of Adjustment (herein called the Board) shall have the power to grant a variance if it finds after public hearing that all of the following conditions exist:

- a. That the strict requirements of the bulk, dimensional, or performance standards set forth in the Master Program preclude or significantly interfere with a reasonable use of the property not otherwise prohibited by the Master Program.
 - b. That the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the Master Program, and not, for example, from deed restrictions or the applicant's own actions.
 - c. That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to the adjacent properties or the shoreline environment.
 - d. That the Variance authorized does not constitute a grant of special privilege not enjoyed by other properties in the area, and will be the minimum necessary to afford relief.
 - e. That the public interest will not suffer substantial detrimental effect.
2. In the granting of all Variance Permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Variances were granted to other developments in the area where similar circumstances exist, the total of the Variances should also remain consistent with the policies of RCW 90.58 and should not produce substantial adverse effects to the shoreline environment.

Application:

Application for variance shall be made on forms provided by the City Clerk, and filed there for referral to the Planning Commission and the Board.

Findings of Fact:

The Planning Commission shall prepare a report and recommendation for the Board. The Board's finding shall be the subject of a comprehensive report, and shall include the Planning Commission's report as an Appendix. In those cases where a variance is granted, the Board's report shall be forwarded to the Washington State Department of Ecology for its supportive and review function, as set forth in the Act. Board action shall

be by a majority vote, a quorum being present. Board notices and actions shall be taken in conformance with procedures set forth in Title 5, Chapter 1-21 of City of Medina Land Use Ordinances.

2. Conditional Uses

The objective of this conditional use provision is to provide control and flexibility in the implementation of this Master Program.

The Board shall have the power to grant a conditional use if it finds after public hearing that all of the following conditions exist:

- a. The use will cause no unreasonable adverse effects on the environment or other uses.
- b. The use will not interfere with public use of public shorelines.
- c. Design of the site will be compatible with the surroundings and the requirements of this Master Program.
- d. The proposed use will not be contrary to the general intent of the Act and this Master Program.

Application:

An application for Conditional Uses shall be made on forms provided by the City Clerk and filed for referral to the Planning Commission and the Board.

Findings of Fact:

The functions and actions of the Planning Commission, the Board, and the Department of Ecology shall be the same as for Variances.

C. Nonconforming Development

A nonconforming development is a shoreline use or structure, which was lawfully constructed or established prior to the effective date of the Act or the Master Program, or amendments thereto, but which does not conform to present regulations or standards of the Master Program or policies of the act. In such cases, the following standards shall apply:

1. Nonconforming development may be continued provided that it is not enlarged, intensified, increased, or altered in any way which increases it nonconformity;

2. A nonconforming development which is moved any distance must be brought into conformance with the Master Program and the Act;
3. If a nonconforming development is damaged to an extent not exceeding sixty (60) percent replacement cost of the original structure, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, so long as restoration is completed within one year of the date of damage. A single-family nonconforming development that has been damaged to an extent not exceeding sixty (60) percent replacement cost of the original structure, may be replaced if restoration is completed within three years of the date of damage.
4. If a nonconforming use is discontinued for twelve (12) consecutive months or for twelve (12) months during any two-year period, any subsequent use shall be conforming; it shall not be necessary to show that the owner of the property intends to abandon such nonconforming use in order for the nonconforming right to expire;
5. A nonconforming use shall not be changed to another nonconforming use, regardless of the conforming or nonconforming status of the building or structure in which it is housed; and
6. An undeveloped lot, tract, parcel, site, or division which was established prior to the effective date of the Act and the Master Program but which does not conform to the present lot size or density standards, may be developed so long as such developments conforms to all other requirements of the Master Program, and the Act and the Medina Zoning Code.

VI. INTERPRETATION

A. Severability

If any provisions of this Master Program, or its application to any person, legal entity or circumstance is held invalid, the remainder of this Master Program, and its application to other persons, legal entities or circumstances shall not be affected.

B. Construction

This Master Program shall be liberally construed to give full effect to the Primary Goal and the objectives and purposes for which this Master Program was established.

C. Effect on Other Permit Requirements

Nothing in this Master Program waives any requirement to obtain permits, certificates, licenses or approval imposed by the Medina Comprehensive Plan or any county, state or federal agency law or regulation.

D. Terminology

The terminology used herein shall have the same meaning as given in the Shoreline Management Act unless the context clearly requires otherwise. In addition, reference should be made to the Glossary section of the Lake Washington Regional Goals and Policies (approved December 5, 1973) for the definition of terms, to the extent definitions are not provided in the Act.

VII. UPDATING

All required updating should be performed to insure that Medina's shoreline is developed consistently with the Primary Goal.

- A. The Planning Commission and City Council shall review this Master Program at least every three (3) years, and Medina should participate in any necessary updating of the Regional Goals and Policies. All proposed amendments to this Master Program shall be submitted to the Washington State Department of Ecology for review pursuant to the Act.
- B. Amendments to this Master Program shall be made pursuant to the procedure for amending Medina's Comprehensive Plan, and as provided in RCW 90.58.190 (Section 190 of the Shoreline Management Act).
- C. All appropriate commissions and committees of the City should develop procedures for implementing the Shoreline Management Act which should:
 - 1. Establish a mutually acceptable deadline for the approval or denial of property owner applications.
 - 2. Begin immediately to investigate methods of improving administrative coordination between Medina and the various State and Federal agencies and to determine methods of simplifying and expediting permit applications.

VIII. APPENDIX

A. Definitions

Accessory

A use or structure which is incidental to the main activity or structure on the property.

Breakwaters

Protective structures usually built of shore to protect harbor areas, moorage, navigation, beaches and bluffs from wave action. Breakwaters may be fixed, open pile, or floating.

Bulkhead

A wall or embankment used for retaining earth.

Dredging

Removal of earth and other materials from the bottom of a body of water or from a wetland.

Erosion

The removal of soils and the placement of these removed soils elsewhere by the natural forces of wind or water.

Groins

A barrier type of structure extending from the beach or bank into a water body for the purpose of the protection of shoreline and adjacent uplands by influencing the movement of water or deposition of materials. Generally narrow and of varying lengths, groins may be built in a series along the shore.

Jetties

Structures generally built singly or in pairs perpendicular to the shore at harbor entrances or river mouths to prevent the shoaling or accretion of littoral drift. Jetties also protect channels and inlets from storm waves and cross currents.

Land Surface Modification

The clearing or removal of trees, shrubs, ground cover and other vegetation, and all grading, excavation and filling of materials.

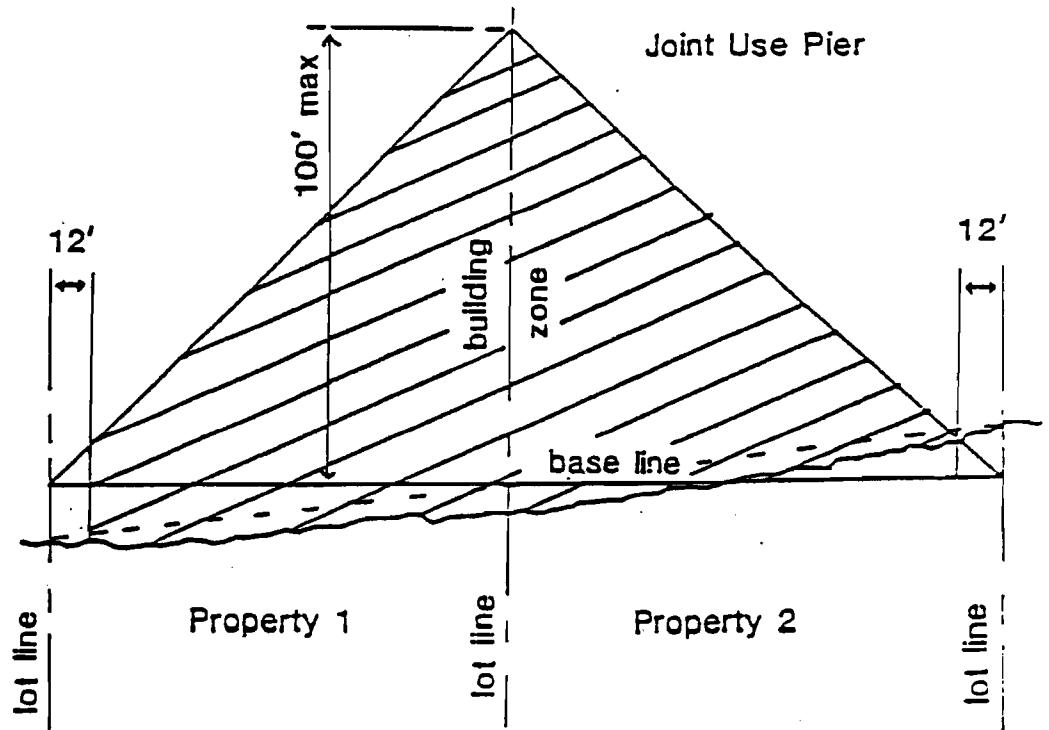
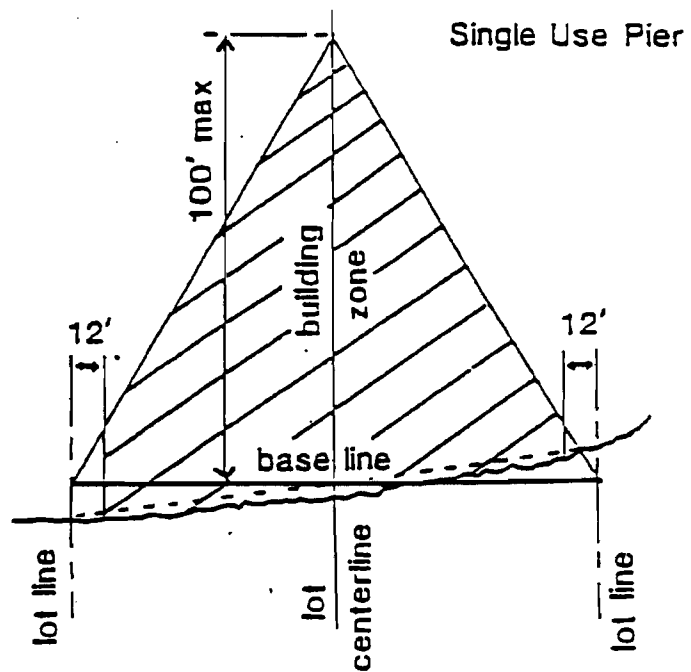
Moorage

See Medina Zoning Code Ref 17.88.010 – Definitions.

Normal High Water Line

See Medina Zoning Code Ref. 17.88.010 – Definitions.

B. COVERED MOORAGE BUILDING ZONE



C. Soils with Erosion and Slide Hazard Potential:
(see attached map)

1. Alderwood – Kitsap (AKF)

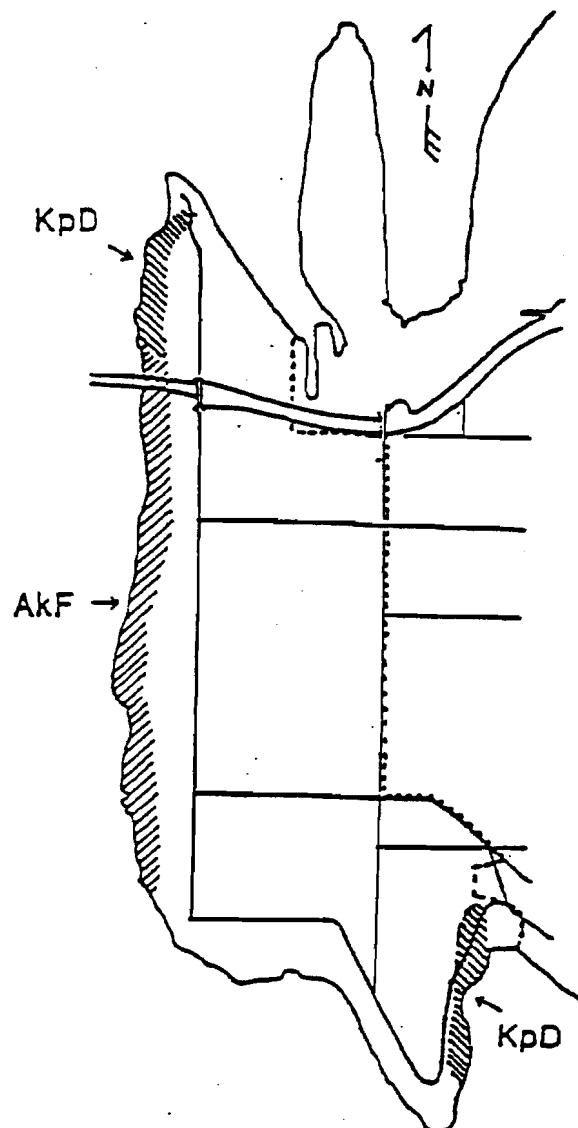
This soil type is associated with slopes of 25% to 70%.

- a. Drainage and permeability vary.
- b. Runoff is rapid to very rapid.
- c. Erosion hazard is severe to very severe.
- d. Slippage potential is severe.

2. Kitsap Silt Loam (KpD)

This soil type is associated with slopes of 15% to 20%.

- a. Runoff is rapid.
- b. Erosion hazard is severe.
- c. Slippage potential is severe.



D. Chemicals and Piers

To minimize impacts to water quality from chemicals used to treat piles, stringers, caps and decking wood, the use of wood treated with creosote or pentachlorophenol is strictly prohibited. Additionally, topical application of any wood treatment chemical is prohibited. For materials used to build piers, wood commercially pressure treated with copper naphthanate or copper-8-quinolinolate is preferred. If such stock is not available, wood commercially pressure-treated with ammoniacal copper-zinc arsenate (ACZA) or chromated copper arsenate (CCA) may be substituted.